

MELINDA HAAG (CSBN 132612)  
United States Attorney

MIRANDA KANE (CSBN 150630)  
Chief, Criminal Division

PATRICIA J. KENNEY (CSBN 130238)  
Assistant United States Attorney

450 Golden Gate Avenue  
San Francisco, California 94102  
Telephone: 415.436.6857  
Facsimile: 415.436.6748

Attorneys for the United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
\$109,800 IN UNITED STATES )  
CURRENCY, )  
 )  
Defendant. )  
 )  
NIN TRAN AND TUNG TRAN, )  
 )  
Claimants. )  
 )

No. 11-CV-1967 EMC

REPORT OF THE UNITED  
STATES TO THE COURT

ORDER RESETTING CMC

1 On April 22, 2011, the United States filed this civil forfeiture action seeking to forfeit  
2 defendant \$109,800 which law enforcement seized during the execution of a search warrant in  
3 connection with a drug trafficking investigation. 21 U.S.C. § 881(a)(6). After claimants Nin Tran  
4 and Tung Tran filed claims on June 22, 2011, the parties in July 2011 stipulated to a stay of this case  
5 until a related state court criminal case is resolved, *People of the State of California v. Luc Tran*  
6 *(7/19/1987), aka Tran Luc Tien, Linh Nhat Tran (10/18/1983), et al.*, DA No. 101127526, filed  
7 November 11, 2010 (Superior Court, Santa Clara County, San Jose Facility). The first two named  
8 defendants in the state case are the sons of Ninh Tran, a claimant in this case, and nephews of Tung  
9 Tran, also a claimant in this case. 18 U.S.C. § 981(g)(1) and (2). The Court entered the parties'  
10 stipulation as an order. Stipulation and Order, entered July 12, 2011.

11 Pursuant to the stipulated stay, the United States is filing this report on the status of the  
12 related state criminal case. Tran Luc Tien and Linh Nhat Tran have both plead.

13 As previously reported, the state prosecutor, Johnny Gogo, informed the undersigned that,  
14 on May 22, 2012, Linh Tran plead no contest to a charge of PC 186.22(a) (participating in a criminal  
15 street gang); HS 11379(a) (offer to sell MDMA); and HS 11359 (possession of marijuana for sale).  
16 The state prosecutor anticipated that Linh Tran would be sentenced to two years and eight months.

17 On October 26, 2012, the state prosecutor, Johnny Gogo, informed the undersigned that on  
18 October 26, 2012, Luc Tien Tran pled no contest to PC 182 (conspiracy to engage in HS 11358 –  
19 marijuana cultivation); HS 11379(a) (offer to sell MDMA); HS 11358 (possession for sale of  
20 marijuana) with a PC 186.22(b)(10)(A) (gang enhancement); HS 11366.5(a) (keeping a narcotics  
21 house) with a PC 12022(c) (firearms enhancement); PC 12280(b) (possession of assault weapon) and  
22 PC 496(a) (possession of stolen property – handgun). The state prosecutor anticipates that Luc Tien  
23 Tran will be sentenced to 10 years in state prison on January 14, 2013.

24 ///

25 ///

26 ///

27 ///

1 Because the related state criminal case has been resolved, it would appear that the stay in this  
2 case can be lifted and a case management conference set, preferably in four to six weeks, to allow  
3 counsel to obtain state documents and determine whether there is any possible resolution to the  
4 instant case.

5  
6 Respectfully submitted,

7 MELINDA HAAG  
8 United States Attorney

9 Dated: October 26, 2012

10 /s/  
11 PATRICIA J. KENNEY  
12 Assistant United States Attorney

13 IT IS SO ORDERED that the CMC is reset from 11/2/12 to Thursday 1/24/13 at 9:00 a.m.  
14 An updated joint CMC Statement shall be filed by 1/17/13.

15  
16 \_\_\_\_\_  
17 Edward M. Chen  
18 United States District Judge

